

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:

RANDOLPH M. LOWRY, M.D.

RESPONDENT

ALCOA, TENNESSEE

TENNESSEE LICENSE NO. 12162

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**BEFORE THE TENNESSEE
BOARD OF MEDICAL
EXAMINERS**

CASE NO. 2021015531

ORDER OF SUMMARY SUSPENSION

This cause came to be heard on the 16th day of March, 2022, at a public meeting, before the Tennessee Board of Medical Examiners upon the application of the Division of Health Related Boards of the Tennessee Department of Health (hereinafter "State") to summarily suspend the medical license of the Respondent **RANDOLPH M. LOWRY**, pursuant to Tenn. Code Ann. § 4-5-320(c). The State argued, and presented evidence to support, that the Respondent violated various provisions of the Medical Practice Act, Tenn. Code Ann. § 63-6-101 et seq. and that those violations were such that the public health, safety, or welfare imperatively required emergency action.

JURISDICTION

The Tennessee Board of Medical Examiners ("Board") is responsible for the regulation and supervision of the practice of medicine in the State of Tennessee, pursuant to Tenn. Code Ann. § 63-6-101 et seq. Tennessee Code Annotated § 63-6-214 grants the Board the duty and power to suspend, revoke, or otherwise discipline the license of a medical doctor upon proof that the individual has violated the provisions of Title 63, Chapter 6, of the Tennessee Code Annotated or any substantive rule promulgated by the Board. Under Tenn. Code Ann § 4-5-320(c), the Board

has the authority to take summary action if it finds that the public health, safety, or welfare imperatively require emergency action.

FINDINGS OF FACT

1. Respondent has been at all times pertinent hereto licensed by the Board as a medical doctor, having been granted license number 12162 on September 7, 1979. The State provided Respondent's licensure verification to the Board as an attachment.
2. Respondent is a medical doctor specializing in internal medicine. Respondent worked at Wellness North/Behavioral Health Group (hereinafter "Wellness North"), a certified office-based buprenorphine treatment facility, from 2017 until 2021. Respondent currently works at The Ben Atchley Tennessee State Veterans' Home in Knoxville, Tennessee.
3. A complaint was received by the Office of Investigations alleging that Respondent was engaging in sexual misconduct at Wellness North. An investigation was opened. As part of the investigation, a health-related board investigator (hereinafter "HRB investigator"), and a Tennessee Bureau of Investigations agent (hereinafter "TBI agent"), gathered documentation and interviewed witnesses. The HRB investigator provided her sworn statement via affidavit which was presented to the Board by the State as an attachment.
4. The investigation revealed that beginning in 2018, Respondent treated patient GV (only patient's initials are used in order to provide patient confidentiality) with suboxone for her opiate addiction. The HRB investigator and TBI agent interviewed patient GV. Patient GV provided the HRB investigator and TBI agent a sworn statement. The Board was provided this statement by the State via attachment under seal. Patient GV reported that during one visit, Respondent closed and locked the exam room door, kissed patient GV's neck and breast, stuck his hand down her shirt and exposed her breast, which he then licked and

kissed. Patient GV reported that Respondent also stuck his hand into her pants and rubbed her vaginal area. While he touched patient GV, he exposed his penis and masturbated. The sexual contact between Respondent and patient GV continued at subsequent visits. During these subsequent visits, Respondent forced patient GV to perform oral sex on him. Respondent expressed to patient GV that if she did not allow him to do what he wanted to her or if she told anyone, he would not continue to prescribe her suboxone. Patient GV's last visit with Respondent occurred on or about May 21, 2021.

5. The State's investigation revealed other sexual misconduct by Respondent while working at Wellness North. Patient HB, a former patient of Respondent, was interviewed by the HRB investigator. Patient HB provided a sworn statement which was presented to the Board via attachment under seal. Patient HB reported that, on at least two occasions during office visits, Respondent unbuttoned his shirt in front of her. During one office visit, patient HB stated that Respondent requested that patient HB suck his penis, which patient HB refused. Respondent threatened to terminate patient HB's treatment. Patient HB stopped seeing Respondent because of his sexually inappropriate behavior.
6. The TBI agent that worked with the HRB investigator was able to locate another former patient of Respondent to interview. Patient AW is a former patient that Respondent treated for approximately one year. Patient AW reported that Respondent initially treated her professionally but later began asking patient AW about her sex life. Respondent told patient AW that if her boyfriend was not sexually pleasing to her, that Respondent would be. During one office visit, patient AW reported that Respondent became erect and began rubbing his penis through his khaki pants. Patient AW reported Respondent's behavior to

Wellness North staff but did not receive a response. The Board was provided patient AW's statement as an attachment (under seal) by the State.

7. All of the material identified above was reviewed and considered by the Board in rendering this Order.

CONCLUSIONS OF LAW

The grounds listed above are sufficient to establish that Respondent has violated the following statutes or rules which are part of the Medical Practice Act, Tenn. Code Ann. § 63-6-101 *et seq.*, for which disciplinary action by the Board is authorized:

8. The Respondent's acts and conduct constitute a violation of Tenn. Code Ann. § 63-6-214(b)(1):

Unprofessional, dishonorable or unethical conduct;

9. The Respondent's acts and conduct constitute a violation of Tenn. Code Ann. § 63-6-214(b)(2):

Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of this chapter or, any lawful order of the board issued pursuant thereto or any criminal statute of this state;

APPROPRIATENESS OF SUMMARY SUSPENSION

10. In cases where the public health, safety, and welfare imperatively require emergency action, the Board is empowered, by Tenn. Code Ann. § 4-5-320(c), to summarily suspend a medical license pending the formal proceedings for revocation or other action. The summary action statute requires a showing that protection of "public health, safety, or welfare imperatively requires emergency action." Respondent's actions have shown a clear and present danger to the health, safety and welfare of the patients of Tennessee. Based on the information, interviews, and statements provided to the Board by the State, Respondent

has been shown to be a serial sexual predator. Respondent worked with a vulnerable population, those with opiate addictions, and used his position and power as a medical doctor to obtain sexual favors from those vulnerable patients. Respondent currently works with another vulnerable population at a skilled nursing facility. The nature, frequency, and severity of Respondent's conduct constitutes a threat to the public health, safety, and welfare. Respondent's sexual misconduct while practicing poses an imminent danger to the citizens of Tennessee, particularly the patients whom he is currently treating. The Board believes immediate action is necessary to prevent harm to those patients.

IT IS THEREOFRE, ORDERED that:

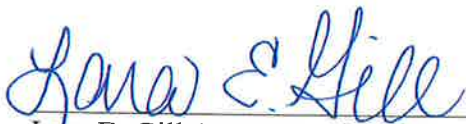
11. Respondent's medical license is **SUMMARILY SUSPENDED**, the public welfare, safety, or welfare imperatively requiring it.
12. Upon receipt of this Order, the Respondent shall cease and desist from practicing as a physician in the state of Tennessee.
13. The **SUMMARY SUSPENSION** shall be effective immediately upon entry by this Board and remain in effect until the conclusion of the contested case hearing against the Respondent or until otherwise ordered by the Board.
14. Pursuant to Tenn. Code Ann. § 4-5-320(d)(1)(B), the Respondent may present his version of the facts to the Board at an informal conference. If the Respondent wishes to have such an informal hearing, he must make the request in writing no later than 5:00 pm on the 7th day after the Board ratifies this Order.

SO ORDERED by the Tennessee Board of Medical Examiners this 16th day of March, 2022.



Chairperson
Tennessee Board of Medical Examiners

Prepared and presented by:



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Randolph M. Lowry, M.D., 1819 Clingman View Drive, Alcoa, TN 37701 by delivering same via FedEx Number. 8166 1401 4890 and through email: thelowrys2@gmail.com.

This 16th day of March, 2022.



Lara E. Gill

Senior Associate General Counsel